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TOM LYTHGOE, CHAIR

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KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 9, 2005**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Ben Sautter, Road Supervisor; Matt Johnson, County Attorney; Tom Harrington and Scott Mendenhall, JLDC; Glenna Waltee and Pat Tallent, Library Board; Glenn Marx, *Whitehall Ledger*; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Rick Kerin, Lowell Springer, Mike Baker, Peggy Morales

REPORTS

Receipt of July cash report from the Treasurer.

Receipt of July revenue and expense reports from the Clerk and Recorder.

CALENDAR REVIEW

- 8/10 Meet with Ben at Montana City Shop - 7:00
Meet with Ben and Harold regarding Moonlight Ridge - 8:00
- 8/11 Tri-Co Fire - Helena - 9:00
JLDC - Basin - 2:00
Health Board - 6:30
Library Board - 6:30
- 8/15 Review budgets with taxable valuation added - 8:00

COMMISSION REPORTS

SOUTH HELENA INTERCHANGE

Commissioner Lythgoe stated that he had a meeting at MDT on Monday regarding the South Helena Interchange project. The purpose of the meeting was to come up with a realistic date to let the project and to get a commitment from MDT to fund the short-fall. There is an additional 10 million from the Highway Bill for I-15, and the second-in-command committed those funds. The let date seems to be July of next year.

SPECIAL COMMISSION MEETING

Commissioner Lythgoe stated that on the previous Friday, the 5th, the Commission held an emergency meeting to determine if the Commission should disband the Basin Fire Trustee Board. He stated that after much discussion, it was decided to do just that. Currently, the Commissioners are acting as trustees. He noted that as a result of the Commission action, Commissioner Notbohm is a trustee, but if, as he indicated, he doesn't want to participate, then someone else needs to be appointed.

Commissioner Notbohm stated that he would like to speak to this. He was opposed not so much to the meeting, as to taking the board from the people. He stated that he is somewhat of a lame duck Commissioner and kept out of the loop. He stated that the resolution passed was highly inflammatory and he feels it is wrong. This is why he will not sit on the trustee board. He noted that resolutions are usually circulated before meetings, and that didn't happen this time. He stated that he spoke to Matt, and told him that he feels his opinions are not wanted or needed, and he may as well stay home.

Commissioner Lythgoe stated that he is sorry that Commissioner Notbohm feels this way, stating that he certainly doesn't feel that way about Commissioner Notbohm. He stated, that as Chair, he will try to keep Commissioner Notbohm better informed.

SAFETY COMMITTEE

Commissioner Weber stated that a Safety Committee meeting was held on Thursday. Safety Day has been scheduled for September 12, with training sessions before and after lunch. They are hoping for a variety of courses covering meth, seatbelt safety, and they hope to have Carl Crouse present also.

WHITEHALL CHAMBER

Commissioner Weber reported that he attended the Whitehall Chamber meeting on the 4th. The discussion centered around how to increase awareness and encourage local buying. They are working to develop a campaign.

ROADS

Commissioner Weber stated that he and Ben rode out the previous day to look at roads in the south end of the county and how they connect with Broadwater County. He noted that he is also starting to see some growth in the area.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - DAVIS (JLDC) MINOR

Harold Stepper, County Planner, presented his staff report and recommended that preliminary plat approval be granted. Commissioner Lythgoe moved to grant preliminary plat approval. Commissioner Weber seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - SUNLIGHT INDUSTRIAL PARK MAJOR-COMMERCIAL

Harold Stepper, County Planner, presented his staff report. He stated that the Findings of Fact are fairly standard, but noted that number 6 has been rewritten due to the EIS, so as not to jeopardize future mining. The entire area of the subdivision is in the mine's permitted area. In the Conditions of Approval, instead of a homeowner's association, there will be a tenant's association. Harold recommended that preliminary plat approval be granted. Commissioner Notbohm asked if a lease has been obtained yet. Harold stated that the lease is a requirement for final plat approval. Commissioner Weber moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

Lowell Springer, architect for the project, stated that he appreciates the effort Harold went through, while buried, and also appreciates the Planning Board having the hearing at a location most convenient to the public. Commissioner Weber stated that he would like to thank Lowell's firm for their preparation and presentation at the meeting, which was very professional. Harold stated that it was great working with the firm, noting that it is hard to develop on a lease situation along with a working mine.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

ADOPT REVISED COUNTY ROAD STANDARDS

Commissioner Lythgoe stated that the current draft has been on the web for several weeks, and he himself is comfortable with the standards as they are currently. He noted that they received a lot of valuable public input.

Mike Baker stated that he appreciates the Commission taking into consideration the public's comments and concerns.

Commissioner Weber moved to adopt the revised road standards. Commissioner Notbohm seconded. The motion carried.

APPOINT BASIN FIRE TRUSTEES

Commissioner Lythgoe stated that he had a question for Matt. The Commission took action last week, and Commissioner Notbohm has chosen not to participate. Because he sits on the Board of Commissioners, he is now, by default, a Basin Fire Trustee, whether he participates or not. Because of this, can the Commission look for only two members, or since Commissioner Notbohm refuses to participate, can they look for three. Matt stated that, per the resolution, the three Commissioners are trustees, so they can only appoint two more.

Commissioner Lythgoe moved to re-appoint Rhandi Rhachlis to the Trustee Board. Commissioner Weber seconded. Commissioner Notbohm stated that in regards to this vote, because of his stance on this, he will abstain from voting. The motion carried, with Commissioners Lythgoe and Weber voting aye.

REVIEW COUNTY SPEED LIMIT ORDINANCE

Commissioner Lythgoe asked Matt if he is familiar with statute on speed limits, noting that there are some 15 mph limits in the ordinance. Matt stated that some 15mph zones are permitted. He also noted that McClellan Creek Road is listed at 40 mph, but is signed 35. Commissioner Lythgoe also asked about 25 mph zones. Matt stated that an urban district, with houses or businesses within a certain distance from the road, for a certain length of the road can have a 25 mph limit. It was thought that South Hills Road would qualify for this, but the houses are too far apart to qualify. He then referred to a memo he sent to the Commission the previous October regarding a speeding ticket someone had received on South Hills Road, and noted that the County cannot set speeds on County roads under 35, unless it is in an urban district.

Commissioner Lythgoe stated that this is going to take some thinking. As it relates to section 1 of the ordinance, some roads currently at 25 should not be. He asked Ben to review this. Ben stated that he is fine with what he sees in the ordinance. Commissioner Lythgoe reiterated that this should be looked at as it relates to section 1. Ben stated that some are close. Commissioner Weber stated that he feels they do need to do a bit of study, especially when a state highway - the Whitetail Road - is listed. Commissioner Lythgoe stated that he believes that the state has allowed the county to set the speed on that portion of the road we maintain. Ben stated that he needs to apologize; he has not been involved with speed limits.

Commissioner Lythgoe stated that he wanted to put it on the agenda for discussion, since there have been disputed speeding tickets, etc. This ordinance needs to be reviewed. Commissioner Notbohm stated that he agrees this needs to be looked at again. He noted that it is listed at 40 mph in front of his house, but there are houses right next to the road, as well as a church and other buildings; 40 is too fast. This item will be re-agendized for September 6th.

DISCUSS FORMING LIBRARY SERVICES DISTRICT

Commissioner Lythgoe asked Matt to speak to this issue. Matt stated that for some time, the county has been going through a unique situation. The Library Board is autonomous, but library employees are members in the county union. The Commission signs off on union contracts, and the board has not been involved in the union negotiations. This has caused problems - which personnel policy to use, does the library board have to use the county's personnel officer, etc. Matt stated that there is a way to make the library more independent from the Commission, and that is by forming a library district. After initial appointment of trustees, trustees would be elected. The Commission would have to do a resolution of intent to convert to a library district, then it would go to a vote of the public. It would still be milled as a district. The library employees would no longer be part of the county's union, and could form a union of their own. He stated that this could solve a lot of problems. If the library district were voted in, it would distance the Commission from the library district. Personnel and legal advice can be accessed through the state.

Commissioner Lythgoe asked if the mill levy currently in place would stay in place. Matt stated that the Commission can set the mill value, and his recommendation would be to leave it as it is,

as the Library Board requested and received the current mills. Commissioner Notbohm stated that it is his understanding that the library mill is a permanent mill. Matt agreed that it is, but per statute, the mill levy can be set when converted to a library district. Commissioner Notbohm stated that when he was a Commissioner in the past, the library mill was at 4; it is currently at 12 mills. He stated that the library board needs to realize that if a library district is formed, they will be responsible for a lot of little things, such as bookkeeping and legal issues. Currently, the library budget exceeds a quarter-million dollars. The County has no say over what the library board asks for, and it affects what the County is able to get. Matt stated that there wouldn't be much additional costs, but this will allow them independence. It would allow the library trustees to negotiate with the union and to have their own employee policy. Also, the voters may appreciate the opportunity to vote on those who are responsible for library funds.

Glenna Waltee, Library Board chair, stated that she would like to mention a few things. This is an interesting issue that needs to be looked into. There are some good points and some detriments, one of which is costs. When there is duplication of services, it will cost the public. She stated that this needs to be a joint effort. There needs to be public meetings and they need to make good, sound, educated decisions. They also need to look at statute. Initial contact has been made with the state library to get information. Glenna stated that the Library Board is looking forward to working with the Commission.

Pat Tallent, Library Board member, stated that she was not aware of the meeting until a couple hours prior. She stated that she has grave concerns about this. She thought the Commissioner and Library Board were getting better on working together. She stated that the Commission needs to consider what the impact on services will be; it also may impact employee benefits and insurance, which is going to cost quite a bit more. They will either lose employees or they will have to cut services.

Commissioner Weber stated that this discussion started two weeks ago, when the Commission and members of the Library Board discussed the library aides being in the union. Taking things slow is the plan. He stated that the waters are muddy regarding who is over employees and on union issues. He wants to get this cleared up for the benefit of the employees, the county and the general public. Commissioner Weber stated that he thought that Glenna was aware of this topic, as she was at the previous meeting when this was discussed. He noted that it is possible that she and John Rice left before this was discussed, and he apologizes for the confusion.

Glenna stated that she would like, before everyone leaves, to determine what the next step is and she would also like something in writing about why the Commission is doing this.

Commissioner Weber stated that it would be hard to put something into writing, as the Commission is still in the discussion phase; they are trying to make things less murky.

Commissioner Lythgoe stated that one of the reasons the County is looking at the possible need for separation is the inability of the Library Board and the County to work together; they agreed to try, but they are not doing very well. He stated that if the library is to remain a part of the County, attitudes have to change on both sides, but he would not go into specifics at this time. He stated that if this is going to work, everyone needs a change in attitude, noting that both sides have a perception of attitudes on the other side.

Commissioner Notbohm stated that, to give a little history, when he was Commissioner before, he and Glenna Obie attended a Library Board meeting and were basically told that they weren't wanted there; the Commission has no say in Library Board business. This has been the general feeling of the Commission since that time. When the bonuses were given at the end of last year, he got the feeling that the Library Board felt the Commission was treading on their territory, but that was not the case and he attended a meeting to tell them that. Commissioner Notbohm stated that he agrees with Commissioner Lythgoe that the options need to be looked into; he also agrees with Pat that this could be costly.

Glenna asked again why this is being proposed. Commissioner Lythgoe stated because they don't get along very well; the board and the Commission, the board and the County Attorney, and the board and the personnel officer. Glenna stated that another point to consider is the law. When Library Board members are appointed, they study the law as it relates to the library. She stated that the Library Board wants to work with the County. Pat stated that she is surprised at Commissioner Lythgoe's statement; she feels that they have been making strides in the last seven months; they have gone to the personnel officer and asked for input and valued that input. She is sorry that Commissioner Notbohm has felt unwelcome at meetings, and stated that the Board welcomes Commission attendance and input. Pat stated that board members attend training at the state and are given guidelines, which they are trying to follow. They never meant to alienate the Commission. They want to do what is in the best interest of all.

Commissioner Lythgoe stated that some fact-finding needs to take place before this decision is made. They need further research and discussion, and depending on what that shows, they would then go to the public. This is what he would propose.

Commissioner Weber moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER